

**Conservation Commission
Minutes of September 22, 2016
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners Present: Dale R. McKay, Thomas O'Neill, Robert C. Anderson, John R. Rogers, Ralph B. Shaw, Jr., Louis DiMeo (alternate)

Staff Present: Drew McManus (Conservation Agent) and Judy Daigneault (Recording Secretary)

CALL MEETING TO ORDER: 5:55 p.m.

The meeting was called to order with a quorum by Acting Chairman Dale McKay at 5:55 p.m.

There was no public comment

PRE/POST-HEARING AGENDA:

Administrative Review: 257 Monomoscoy Road. DEP File #43-2826. At request of Army Corps of Engineering, seeking permission to relocate proposed bulkhead 2 feet landward/above the Mean High Water Mark.

Resource Areas: LSCSF, coastal bank, buffer zone to bw and salt marsh

Jack Landers-Cauley stated this project received an Order of Conditions from the Conservation Commission on 10/8/15, DEP #43-2826 to rebuild a dilapidated bulkhead. He stated ACOE requested a soft solution rather than the proposed bulkhead and as the bulkhead was less than 2 feet below the Mean High Water mark, it was agreed to move the bulkhead above the mean High Water Mark and outside the ACOE jurisdiction. He informed DEP to let them know about the proposed change and they had no objection. DEP requested that we submit a letter from the Mashpee Conservation Commission stating they are aware of the proposed change and have no objection to moving the bulkhead two feet landward and above the Mean High Water Mark. He noted upon construction they will submit an "As Built" plan to the Conservation Commission and have it approved as a minor change to the Order of Conditions.

The Agent stated because of the timeline he recommended this request come in under an Administration Review. All the conditions remain the same and are in the same scope with minor changes. Mr. Cauley-Landers spoke about the mitigation and stated there will be indigenous plantings but a little less because it will be moved back two feet. The Agent stated there is a condition in the permit that the Agent may require additional mitigation if necessary. He noted we will receive a revised plan showing the new location. The Agent recommended approval of the administrative request.

No comment from the public

Motion: Mr. Shaw moved to approve the Administrative Request, seconded by Mr. Rogers. Vote unanimous 5-0

- **ADDITIONAL TOPICS**

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed).

HEARINGS

6:00 Marlene Susienka, 83 Whippoorwill Circle. Proposed relocation of existing septic tank to allow for construction of sunroom onto existing dwelling RDA

Resource Area: LSCSF, Buffer Zone to Bordering Vegetated Wetland, Salt Marsh

Marlene Susienka, owner, explained her project is to add a sunroom on the street side of the house and will need to move the septic tank.

The Agent showed the areas of the proposed project on photos and stated the project is well outside the resource area but within LSCSF. He noted Board of Health has not received an application for the septic. The Agent noted this is a requirement of the Bylaws that the septic application be filed with Board of Health prior to the Conservation Commission hearing. The Agent stated one tree will need to be removed and the other vegetation is existing lawn and any construction will not affect the resource area. He recommended a negative determination. He noted the permit will not be issued until Board of Health approval.

No comment from the public

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Rogers. Vote unanimous 5-0

6:03 John J. and Catherine J. Brennan, 38 Fiddler Crab Lane. Reconfiguration of floatation dock. RDA

Resource Area: Land Under Ocean, LSCSF, Salt Marsh, BVW, Land Under Ocean

Mark Burtis, Little River Boat Yard, represented the applicant. He stated the proposed project is to rotate the float dock perpendicular to the shoreline using existing pilings to prevent grounding of boats tied to floatation dock. He referred to the plan he provided to the Commissioners. The Agent recommended adding one more sign on the seaward side. He said Harbormaster and Shellfish Constable had no issues and he noted the project is an upgrade from Styrofoam to encapsulated plastic and noted now there will be proper water depth for the vessels.

No comment from the public

Motion: Mr. Shaw moved a Negative Determination, seconded by Mr. Rogers. Vote unanimous 5-0

6:06 Regina L. Lawson and Jeanne M. Gallagher, 67 Monahansett Road. Proposed demolition and reconstruction of single-family dwelling. RDA

Resource Area: LSCSF, Buffer Zone to BVW and Inland Bank (Deans Pond)

Peter Lavoie, Guerriere and Hanlon, Inc. represented the applicant. He explained the proposed project is to remove an existing 3 bedroom house and reconstruct a single family home on the same foundation. Five feet will be added to the back of the house. The existing septic will be abandoned in the back yard and will be replaced with a new title V system in the front yard. The existing tank will be abandoned and filled. Mr. Lavoie stated he made a revision to the plan after speaking with the Board of Health. No vegetation except for the plantings around the house will be removed. No trees will be removed.

The Agent noted there is no change in the foot print, nothing will be closer to Dean's Pond. He noted the comments from the Board of Health, they have received the plan and it is under review. There is excavation involved and he recommended wood strapping around the trees to protect them to make sure access doesn't disturb any native vegetation. He recommended a Negative Determination.

No comment from the public

Motion: Mr. Shaw moved a negative determination, seconded by Mr. Rogers. Vote 5-0

6:09 Carla E. Mullen, Trustee, 188 Pimlico Pond Road. Proposed additions of deck, steps and porches onto existing dwelling. Proposed tree removal, vegetation clearing and expansion of driveway to allow for construction of garage. NOI

Resource Area: Buffer Zone to Inland Bank, (John's Pond) BVW, Land Under Water Bodies and Water Ways

Michael Borselli, Falmouth Engineering, represented the applicants. He stated the proposed project is to construct a garage. Only a portion of the addition is located within 100 feet of the inland bank. The property is still pending a Certificate of Compliance because Mr. Mullen recently finalized some plantings and he wanted to let them get established before finalizing the COC. Mr. Borselli reviewed the property on the plan. There are three trees that they are proposing to remove. They will replant trees that will be appropriate for the site. They are proposing a renovation on the waterside deck. They are introducing some second story decks that are over an existing deck, a screened in porch that would be over the existing deck. There is one rotting tree that is within the deck and has been reviewed by Mr. Mullen. There is concern the tree could fall over on the house and they are requesting removal.

The Agent noted Board of Health would require an inspection for the room that is being built underground. He showed the area of construction on photos. He referred to the tree growing out of the deck and recommended its removal. He referred to one of the drainage ditches that is resulting in some runoff and starting to create channelization down the bank and he wants that taken care of before this project starts. He noted the project meets the performance standards. He recommended two trees be planted and a drawing be shown on the plan in relation to the drainage.

No comments from the public.

Motion: Mr. Shaw moved to Close and Issue with the conditions the mitigation be shown on the plan and a drawing for the swale. Seconded by Mr. Rogers. Vote unanimous 5-0

6:12 Town of Mashpee, 388 Mashpee Neck Road. Proposed removal/replacement of pier, ramps and floats. Proposed construction of ramp and steps to beach. NOI

Resource Area: LSCSF, Land Under Ocean, Salt Marsh, Coastal Beach, Coastal Bank Dune, BVW

Matt Costa, Cape and Islands Engineering, represented the applicant. He explained the project consists of the removal of the existing licensed pier, ramps and floats. The plan is to construct and maintain a new 4' by 6' timber platform, a 4' by 20' timber pier, 3.5' by 37.5' aluminum ramp and two 6' by 20' aluminum flats and also construct a new 4' by 5.3' aluminum ramp and steps down to the beach. All work is within previously disturbed areas. There will be no change in footprint below the mean high water. He noted the existing piles will remain in place and noted there is an electrical conduit running down the pile up to the top of the coastal bank. Floats will be assembled off site along with the aluminum gangway and then brought to the site and attached to the piles and fixed pier. They will create a ramp that comes down from the existing steps onto the pier. This will be a general improvement to the site. The project meets all of the performance standards.

The Agent stated he has been working with DPW regarding the storage of the canoes and kayaks and they are trying to figure out a location for dinghy racks so people will have place to store the boats under a lottery system. He said the project is bringing the dock up to code, it is a restoration project. He recommended a Close and Issue.

No public comment

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Rogers. Vote unanimous 5-0

6:15 Robert and Maria DiVerdi, 246 Monomoscoy Road. Proposed relocation of existing pile and addition of float to existing dock. NOI

Resource Area: LSCSF, Land Under Ocean, Land Containing Shellfish, Buffer Zone to Salt Marsh

Matt Costa, Cape and Islands Engineering, represented the applicants. The project is to add a new float onto the existing float and relocate one of the existing piles. He noted there is an existing deck. They are pursuing a Chapter 91 license for this structure. The reason for adding on the float is due to the fact things are getting a little tight with the neighbor and it is making navigation difficult. It has been reviewed by Harbormaster and Shellfish Constable and they didn't have any comments.

The Agent recommended a close and issue.

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Rogers. Vote unanimous 5-0

6:18 Craig A. Warnick, Trustee, 172 Fells Pond Road. Proposed removal/reconstruction of existing deck and elevated stairway, replacement of stairs with elevated stairway, construction of retaining wall, tree removal and mitigation plantings. NOI

Resource Area: Inland Bank, Land Under Waterbodies/Waterways, Bordering Vegetated Wetland, Fells Pond, LSCSF, ACEC

Matt Costa, Cape and Islands Engineering, represented the applicant. He explained the proposed project includes the removal and replacement of the existing deck, elevated stairway and reconfiguration of the timber walkway to match the rebuilt elevated stairway. They are also proposing the removal of the existing timber stairs leading down to the bank to the water and construction of an elevated stairway in its place. He reviewed the project on the plans provided. They will use through flow decking to allow for more sunlight which will help stabilize the plantings. They will be adding a small retaining wall to help stabilize the area and with plantings behind the wall. They will have to remove a 4 inch oak tree and will mitigate for that by installing two new white oak trees in that general area. This will result in a net benefit to the site and will increase the habitat value. It meets the performance standards.

The Agent reviewed the photos with the Commissioners. He said by raising this deck up it will result in a net benefit to this area. The bank is being undercut significantly and the retaining wall is essential. Mitigation is needed in that area and he agreed with the mitigation presented.

No comments from the public

Motion: Mr. Shaw moved to close and issue, seconded by Mr. Rogers. Vote unanimous 5-0

6:21 Neil and Kathleen Rubado, 126 Wading Place Road. Request Extension of Order of Conditions 43-2594 EXTENSION

The Agent noted there is no vote needed on this extension. He said it is a garage and home extension and the order of conditions is about to expire, therefore, they need an extension request.

6:24 Proposed hardscaping and landscaping improvements to allow for the following: upgrade/repair of condominium entrance at intersection of Riverview and Quinaquisset Avenues; removal of tree and vegetation to improve visibility and traffic safety; installation of trees and shrubs; replacement of retaining walls;

replacement of street lights and street sign; construction of new residential driveway from 394 Quinaquisset to Riverview Avenue.

Resource Area: Coastal Bank, Buffer Zone to BVW, Land Under Ocean (Shoestring Bay)

Ed Pesce, Pesce Engineering & Associates, Inc. represented the applicants. Elaine Johnson Landscape Design, was present as was Alex Jackson, President of the Board of Trustees.

Mr. Pesce stated the project proposes to provide some new traffic safety improvements and a new landscape entrance for the Cotuit Bay Condominiums community. At the request of the abutter, this project will also provide a new residential driveway entrance onto Riverview Avenue. They are proposing to take out the old wooden retaining walls and replacing them with new retaining walls and to perform a number of landscape improvements with over 125 different plants on the entire site. This will improve the overall site and improve the safety and provide a new landscape entrance.

The Agent reviewed the photos showing the line of site down Quinaquisset Avenue. He said this will improve the safety concerns. He showed the current retaining walls and the location of the neighbor's property across the street. He reviewed the resource areas and asked about the pitch pines to be removed. Mr. Pesce said the intention is to cut the pitch pines flush and they may not have to take them all. He said they will invite the Agent out to take a look at the work as well.

No comments from the public

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Rogers. Vote unanimous 5-0

6:27 Michael and Lisa Cannata, 100 Cayuga Avenue. Proposed demolition and reconstruction of single-family dwelling and garage and mitigation plantings. NOI

Resource Area: Inland Bank, Land Under Waterbodies/Waterways, Johns Pond

Wayne Tavares, Wet Tech Land Design, Inc., represented the applicant. He explained the house will be razed and rebuilt. They will move two cesspools 150 ft. away from inland bank. The driveway will be the same. The owners are making an effort to save the 3 beach trees.

The Agent reviewed the plan and noted the existing house. He said they were trying to maintain the 50 ft. setback. There were many negotiations regarding the footprint of the house before a final footprint was agreed upon. As proposed, the project meets the performance standards. The Board of Health received the application and is under review. Mr. Tavares said DEP has assigned a #43-2884. He noted the site jets out into John's Pond and makes this site difficult to work with. There was a discussion on the timber bulkhead. Mr. Tavares said this will be removed because there is no need for it. Mr. Cannata, owner, stated he wants to clean up the old rubble and throw it away. The Agent said it is on the pro side to remove the wall because it will allow native vegetation to re-establish itself. Mr. Cannata stated he would like to take down the shed and rebuild it.

The Agent stated an Amendment will need to be submitted describing the retaining wall removal and the rebuilding of the shed.

No comments from the public

Motion: Mr. Shaw moved to Close and Issue with the conditions having additional notes included in the application, seconded by Mr. Rogers. Vote unanimous 5-0

Motion: Mr. Shaw moved to adjourn, seconded by Mr. Rogers. Meeting adjourned 7:45 pm. Vote unanimous 5-0.